



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SJN  
Docket No: 12889-09  
23 September 2010

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 September 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 24 January 1972. The Board found that you received four nonjudicial punishments (NJP's) for two specifications of absence from your appointed place of duty, three specifications of disobedience, and unauthorized absence. Additionally, you were convicted by Japanese civil authorities of possession of marijuana. You were sentenced to a period of hard labor. Subsequently, administrative discharge action was initiated and it was recommended that you receive an undesirable discharge by reason of misconduct due to civil conviction. You were notified of pending administrative separation action. You elected to have your case considered by an administrative discharge board (ADB), which recommended that you be separated from the service with an undesirable discharge due to misconduct. Your case was forwarded and you received an undesirable discharge on 27 August 1976.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant

recharacterization of your discharge given your four NJP's and conviction by Japanese authorities for a very serious offense. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

  
W. DEAN PFEIFFER  
Executive Director